

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

RALPH MOORE	§	
TDCJ-ID #1042302	§	
v.	§	C.A. NO. C-04-302
	§	
EILEEN KENNEDY, ET AL.	§	

**MEMORANDUM OPINION AND ORDER GRANTING DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT**

On May 31, 2005, the United States Magistrate Judge filed her Memorandum and Recommendation in this cause (D.E. 35). Objections were timely filed (D.E. 37). Having reviewed *de novo* the Magistrate Judge's memorandum and recommendation and the pleadings on file, this Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Plaintiff's objections consist only of a list of purported "genuine issues of material fact that require the denial of the defendants' Motion for Summary Judgment." Plaintiff does not contest the Magistrate Judge's conclusion that the Eleventh Amendment bars plaintiff's claims for money damages against defendants in their official capacities. Further, plaintiff does not raise a specific objection to the Magistrate Judge's finding that defendants are entitled to qualified immunity as plaintiff's alleged facts fail to establish a constitutional violation (and that even if they had established such a violation, that defendants' conduct was objectively reasonable).

Accordingly, plaintiff's claims for money damages against defendants in their official capacities are DISMISSED WITH PREJUDICE. Defendants' motion for summary judgment is GRANTED. Therefore, plaintiff's remaining claims, for monetary damages against defendants in their individual capacities, are also DISMISSED WITH PREJUDICE.

ORDERED this 2nd day of August, 2005.


HAYDEN HEAD
CHIEF JUDGE